

Introduced by Senator MaldonadoFebruary 26, 2009

An act to add Section 10150.5 to the Business and Professions Code, relating to real estate.

LEGISLATIVE COUNSEL'S DIGEST

SB 496, as introduced, Maldonado. Real estate: sex offenders.

The Real Estate Law provides for the licensing and regulation of real estate salespersons and real estate brokers by the Real Estate Commissioner, and authorizes the commissioner to deny, revoke, or suspend a license for specified reasons. Existing law requires persons convicted of certain sex offenses to register as sex offenders, as specified. A violation of various provisions of the Real Estate Law is a crime.

This bill would, with regard to an individual who is required to register as a sex offender, require the commissioner to deny an application for licensure, renewal, or reinstatement of, or to revoke, a license under the Real Estate Law, with specified exceptions. The bill would require an individual who is convicted of an offense that requires registration as a sex offender to notify the commissioner within 5 days of the imposition of sentence, with specified exceptions. Because a failure to comply with this requirement would be a crime, the bill would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10150.5 is added to the Business and
2 Professions Code, to read:
3 10150.5. (a) Notwithstanding any other provision of law,
4 except as provided in subdivision (c), with regard to an individual
5 who is required to register as a sex offender pursuant to Section
6 290 of the Penal Code, or the equivalent in another state or territory
7 or under military law, the commissioner shall be subject to the
8 following requirements:
9 (1) The commissioner shall deny an application as a real estate
10 salesperson or real estate broker pursuant to this division.
11 (2) If the individual is licensed under this division, the
12 commissioner shall revoke the license.
13 (3) The commissioner shall not renew or reinstate the
14 individual’s license under this division.
15 (b) Except as provided in subdivision (c), a person licensed
16 pursuant to this division as a real estate salesperson or real estate
17 broker who is convicted of an offense that requires the individual
18 to register as a sex offender pursuant to Section 290 of the Penal
19 Code, or the equivalent in another state or territory or under
20 military law, shall, within five days of the imposition of sentence,
21 notify the commissioner.
22 (c) This section shall not apply to any of the following:
23 (1) An individual who has been relieved under Section 290.5
24 of the Penal Code of his or her duty to register as a sex offender,
25 or whose duty to register has otherwise been formally terminated
26 under California law or the law of the jurisdiction that requires his
27 or her registration as a sex offender.
28 (2) An individual who is required to register as a sex offender
29 pursuant to Section 290 of the Penal Code solely because of a
30 misdemeanor conviction under Section 314 of the Penal Code.
31 However, nothing in this paragraph shall prohibit the commissioner
32 from exercising his or her discretion to discipline a licensee under
33 other provisions of state law based upon the licensee’s conviction
34 under Section 314 of the Penal Code.

1 (3) Any administrative adjudication proceeding under Chapter
2 5 (commencing with Section 11500) of Part 1 of Title 2 of the
3 Government Code that is fully adjudicated prior to January 1, 2010.

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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